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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,575	08/06/2002	Sydney Gordon Low	DAV1147.001APC	1720
20995	7590	03/17/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2172	17
DATE MAILED: 03/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,575	LOW ET AL.	
	Examiner	Art Unit	
	Jean M Corrielus	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 19-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/14/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in response to the request for reconsideration filed on December 19, 2003, in which claims 19-36 are presented for further examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on December 15, 2003 complies with the provisions of M.P.E.P. 609. It has been placed in the application file. The information referred therein has been considered as to the merit. (see attached form PTO-1449).

Drawings

3. The drawings were received on December 19, 2003. These drawings have been placed in the application file.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 19-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivier US Patent no. 6,480,885 in view of Scheussler et al., (hereinafter "Scheussler") US Patent no. 6,366,950.

As to claim 19, Olivier discloses an analogous system that enables user to exchange group electronic mail by establishing profiles and criteria for determining personalized subsets within a group. In particular, Olivier discloses the claimed determining if a message is approved for a recipient of the message as a means for comparing the identities appearing on the allowed list to determine whether each designated recipient is on the list for the intended recipient that is stored on the database of the e-mail manager (col.17, lines 7-12); and processing the message for subsequent viewing by the recipient if the message is approved (col.17, lines 17-18). Olivier does not explicitly disclose the use of notifying the recipient and storing the message if the

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message is unapproved. However, Olivier discloses the use of notifying the sender and storing the message if the message is unapproved (col.16, lines 32-35; col.14, line 55-col.15, line15).

On the other hand, Scheussler discloses an analogous system that provides a method for verifying user's identity in a network using E-mail communications. In particular, Scheussler discloses the use of a lookup of the ID number, which is generally triggered by an event when a computer receives an E-mail message, said lookup procedure starts, wherein users can define if a notification of the requested lookup shall occur or if a recording or display of the lookup is desired. Scheussler states that users can define how E-mail from computers whose ID numbers are not stored in the database need to be treated, depending on user-specified settings of the computer, E-mail from unauthorized or unidentified computer can be (col.6, lines 57-67).

Scheussler also states that users can create a contact list in which all authorized users are listed (col.7, lines 2-5). These implications disclose the claimed notifying the recipient and storing the message if the message is unapproved. Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have been motivated to utilize the teachings of Scheussler into the system disclosed by Olivier because that would give Olivier's system the enhanced capability of preventing the user from receiving undesired E-mail from individuals.

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As to claim 20, Olivier discloses the claimed "allowing the recipient to view an unapproved message" (col.14, line 55-col.15, line15)

As to claim 21, Olivier does not explicitly disclose the claimed notifying the recipient with a notification message having a link to network data representing a list of unapproved.

Scheussler, on the other hand, discloses the use of a lookup of the ID number, which is generally triggered by an event when a computer receives an E-mail message, said lookup procedure starts, wherein users can define if a notification of the requested lookup shall occur or if a recording or display of the lookup is desired. Scheussler states that users can define how E-mail from computers whose ID numbers are not stored in the database need to be treated, depending on user-specified settings of the computer, E-mail from unauthorized or unidentified computer can be (col.6, lines 57-67). Scheussler also states that users can create a contact list in which all authorized users are listed (col.7, lines 2-5). These implications disclose the claimed notifying the recipient with a notification message having a link to network data representing a list of unapproved. Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have been motivated to utilize the teachings of Scheussler into the system disclosed by Olivier because that would olivier's system the enhanced capability of preventing the user from receiving undesired E-mail from individuals.

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As to claim 22, Since Olivier discloses a web browser plug-ins and other new technology that allow the exchanged messages to be stored somewhere other than the currently viewed web site, retrieve messages from the independent data store and displayed to the user and use an address of a specific page being viewed within the web site (col.25, lines 25-41), the claimed wherein the network data comprises markup language data accessible by a computer device of the recipient is met.

As to claim 23, Olivier discloses the claimed allowing the recipient to set criteria to determine if the message is approved (col.14, line 55-col.16, line 15; col.17, lines 7-21).

As to claim 24, Olivier discloses the claimed wherein the criteria includes a sender of the message being on a stored approved list for the recipient (col.14, line 55-col.16, line 15; col.17, lines 7-21).

As to claim 25, Olivier discloses the claimed allowing the recipient to change the criteria (col.16, lines 1-67).

As to claims 26-27, Olivier does not explicitly disclose the claimed notifying a sender of the unapproved message of deletion of the unapproved message.

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Scheussler, on the other hand, discloses the use of a lookup of the ID number, which is generally triggered by an event when a computer receives an E-mail message, said lookup procedure starts, wherein users can define if a notification of the requested lookup shall occur or if a recording or display of the lookup is desired. Scheussler states that users can define how E-mail from computers whose ID numbers are not stored in the database need to be treated, depending on user-specified settings of the computer, E-mail from unauthorized or unidentified computer can be (col.6, lines 57-67). Scheussler also states that users can create a contact list in which all authorized users are listed (col.7, lines 2-5). These implications disclose the claimed notifying a sender of the unapproved message of deletion of the unapproved message. Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have been motivated to utilize the teachings of Scheussler into the system disclosed by Olivier because that would Olivier's system the enhanced capability of preventing the user from receiving undesired E-mail from individuals.

As to claim 28, Olivier discloses the claimed wherein the message and the criteria are stored on an electronic message server (col.5, lines 1-45).

As to claims 29-30 and 36, the limitations of claims 29-30 and 36 have noted in the rejection of claim 19 above. They are, therefore, rejected under the same rationale.

As to claim 31, Olivier discloses the claimed an access server for generating a display page with a list of unapproved message (col.14, line 55-col.15, line 15). However, Olivier does not disclose whether the notification comprising an electronic message with a link to the display page.

Scheussler, on the other hand, discloses the use of a lookup of the ID number, which is generally triggered by an event when a computer receives an E-mail message, said lookup procedure starts, wherein users can define if a notification of the requested lookup shall occur or if a recording or display of the lookup is desired. Scheussler states that users can define how E-mail from computers whose ID numbers are not stored in the database need to be treated, depending on user-specified settings of the computer, E-mail from unauthorized or unidentified computer can be (col.6, lines 57-67). Scheussler also states that users can create a contact list in which all authorized users are listed (col.7, lines 2-5). These implications disclose the claimed wherein the notification comprising an electronic message with a link to the display page. Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have been motivated to utilize the teachings of Scheussler into the system disclosed by Olivier because that would Olivier's system the enhanced capability of preventing the user from receiving undesired E-mail from individuals.

As to claim 32, Oliver discloses the claimed wherein the list of unapproved messages includes links to the unapproved message respectively and which on selection causes transmission of an unapproved message to a recipient's computer device for viewing by the recipient (col.14, line 55-col.15, line 15).

As to claim 33, Olivier discloses the claimed wherein the criteria includes the sender of a message being on an approved list for the recipient stored on the system (col.14, line 55-col.15, line 15).

As to claims 34-35, Olivier discloses the claimed wherein the display page includes a link to at least one display page for displaying and changing the criteria (col.25, lines 2-54).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (703) 306-3035. The examiner can normally be reached on Tuesday- Friday (7:30 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus

Patent Examiner

March 12, 2004